

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



LETTER OF REPRIMAND

To: Carol Bernier
From: Miami-Dade County Commission on Ethics and Public Trust
Re: Ethics Complaint C11-07
Date: June 2011

Respondent, Carol Bernier, admitted to violating Section 2-11.1 (g) of the Miami-Dade County Conflict of Interest and Code of Ethics entitled, “[e]xploitation of official position prohibited.”

Ms. Bernier is a Parks and Recreation employee, who works at Zoo Miami as a Public Facilities Manager. She also had permission to work at Baptist Health South Florida (Baptist) as long as that employment did not conflict with her County job.

Respondent admitted that on June 17, 2009, she used a “sick day” at her County job so that she could work at Baptist from 8:48 a.m. until 4:54 p.m. She also admitted to doing the same thing on June 18, 2009, when she again took a “sick day” from her County job to work at Baptist from approximately 8:35 a.m. until 4:59 p.m. that day.

Respondent received her County pay for “sick” hours on June 17 and 18, 2009, which correspond to the same days and times that she was working at Baptist.

The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance

Section 2-11.1(g) states, in pertinent part:

(g) *Exploitation of official position prohibited.* No person included in the terms defined in Subsections (b)(1) through (6) shall use or attempt to use his official position to secure special privileges or exemptions for himself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

The Miami-Dade County Commission on Ethics and Public Trust has consistently held that a manipulation or false statement made by a County employee on their PAR amounts to an exploitation of official position. Respondent secured a special privilege/exemption for herself. She was paid by the County when she falsely reported twice, that she was too sick to perform her County job while she, instead, went to work at her outside employer.

Ms. Bernier has been a County employee since 1987 and has had a good work record. This Commission sincerely hopes that this lapse in judgment by Ms. Bernier was an aberration that will not occur again. Ms. Bernier lied to her employer. For this transgression, she was suspended for twenty (20) days and has lost the permission to engage in outside employment. By lying to the County about her sick days, Ms. Bernier breached the public's trust. The taxpayers, who pay Ms. Bernier's salary, are entitled to receive the benefit of her labor. By lying about the fact that she was sick and engaging in

outside employment Ms. Bernier demonstrated that she places her own needs above those of society and the people who employ her.

This Commission hopes that Ms. Bernier will take this reprimand, as well as the administrative actions that were imposed against her, to heart and remember that being a public servant is a privilege not an entitlement. The public has a right to know that its employees are being paid for doing the public's work not for enriching themselves at the public's expense.